

No. 88-192-CSX  
Status: GRANTED

Title: McKesson Corporation, Petitioner  
v.  
Division of Alcoholic Beverages and Tobacco,  
Department of Business Regulation of Florida, et al.

Docketed:  
July 30, 1988

Court: Supreme Court of Florida

Counsel for petitioner: Robertson, David G.

Counsel for respondent: Mellichamp III, Joseph C., Farr  
III, H. Bartow

Entry	Date	Note	Proceedings and Orders
1	Jul 30 1988	G	Petition for writ of certiorari filed.
3	Aug 11 1988		Order extending time to file response to petition until September 12, 1988.
4	Sep 8 1988		Brief of respondents Florida Division of Alcoholic Beverages and Tobacco, et al. in opposition filed.
5	Sep 20 1988		Reply brief of petitioner McKesson Corp. filed.
6	Oct 26 1988		DISTRIBUTED. November 10, 1988
7	Nov 14 1988		Petition GRANTED. The case is consolidated with 88-325 and a total of one hour is allotted for oral argument. *****
9	Nov 28 1988		Order extending time to file brief of petitioner on the merits until January 7, 1989.
10	Jan 5 1989		Joint appendix filed.
		*	Volumes I and II
11	Jan 5 1989		Brief of petitioner McKesson Corp. filed.
13	Jan 6 1989		Brief amicus curiae of Committee on State Taxation filed. VIDED.
14	Jan 6 1989		Brief amicus curiae of Tax Executives Institute, Inc. filed. VIDED.
12	Jan 9 1989		Record filed.
		*	Certified copy of original record received. (Box).
16	Jan 19 1989		Order extending time to file brief of respondent on the merits until February 21, 1989.
17	Jan 19 1989	G	Motion of respondents for divided argument filed.
18	Jan 23 1989	G	Motion of petitioners for divided argument filed.
19	Feb 3 1989		SET FOR ARGUMENT WEDNESDAY, MARCH 22, 1989. (4TH CASE)
20	Feb 21 1989		Motion of respondents for divided argument GRANTED. The request for additional time for oral argument is denied.
21	Feb 21 1989		Motion of petitioners for divided argument GRANTED. The request for additional time for oral argument is denied.
22	Feb 21 1989		Brief of respondent Division of Alcoholic Beverages filed.
23	Feb 21 1989		Brief amici curiae of Natl. Conference of State Legislatures, et al. filed. VIDED.
24	Feb 21 1989		Brief amici curiae of California, et al. filed. VIDED.
25	Feb 24 1989		CIRCULATED.
26	Mar 13 1989	X	Reply brief of petitioner McKesson Corp. filed.
27	Mar 22 1989		ARGUED.
28	Mar 28 1989		Lodging received. (10 copies).
29	Mar 29 1989		Letter from respondents received and distributed.
30	Jul 3 1989		This case is restored to the Calendar for reargument. The parties are directed to brief and argue the

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			<p>following questions in addition to the issues already briefed: 1. "When a taxpayer pays under protest a state tax found to violate clearly established law under the Commerce Clause must the State provide some form of retrospective relief, such as a tax refund or an offsetting tax on past beneficiaries of the tax preference, or may the State elect to provide only prospective relief?" 2. "May a State, consistently with the Due Process Clause of the 14th Amendment, remedy the effects of a tax found to discriminate against an interstate business in violation of the Dormant Commerce Clause by retroactively raising the taxes of those who benefited from the discrimination?" This case is allotted 45 minutes for reargument.</p>
31	Aug 11 1989		Brief amicus curiae of U.S. Oil & Refining Co. filed.
32	Aug 14 1989		Brief of petitioner McKesson Corporation filed.
34	Aug 15 1989		Brief amicus curiae of Crow Tribe of Indians filed. VIDE.
33	Aug 16 1989		Brief amicus curiae of Caterpillar, Inc. filed.
37	Aug 17 1989		Brief amici curiae of American Trucking Associations, Inc., et al. filed.
36	Aug 30 1989		Order extending time to file brief of respondent on the merits until September 20, 1989.
38	Sep 20 1989		Brief of respondents on reargument filed.
39	Sep 20 1989		Brief amici curiae of Natl. Conf. of State Legislatures, et al. on reargument filed.
40	Sep 20 1989		Brief amici curiae of Georgia, et al. filed.
41	Sep 26 1989		SET FOR REARGUMENT WEDNESDAY, DECEMBER 6, 1989. (3RD CASE)
42	Sep 29 1989	G	Motion of California, et al. for leave to file a brief as amici curiae, out-of-time, filed.
43	Oct 16 1989		Motion of California, et al. for leave to file a brief as amici curiae, out-of-time, GRANTED.
44	Oct 19 1989		CIRCULATED.
45	Oct 20 1989	X	Reply brief of petitioner McKesson Corporation filed.
47	Dec 6 1989		REARGUED.